



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
EUGENE I. GESSOW, DIRECTOR

February 24, 2009

For information contact
Roger Munns (515) 281-4848

File shows DHS considered Atalissa situation in 1974, 1997

DES MOINES, Iowa— A file released today by the Iowa Department of Human Services shows state social workers twice previously discussed whether to intervene at an Atalissa facility housing men with mental retardation.

The facility, operated by Henry's Turkey Service and known locally as the "bunkhouse," was closed on Feb. 7 by the state fire marshal for unsafe conditions after 35 years of operation.

The file contains two memos from the 1970s, with one from a worker who said the Atalissa men had virtually no rights.

"Once the resident becomes an employee of Henry's Turkey Service, he for all practical purposes loses most basic human rights," said social worker Ed George in a memo to district manager James Strickland dated Dec. 4, 1974.

But in a report six weeks later, Strickland said, "There seems to be good group spirit and morale, and it would seem to us that a cohesive group exists here." His report said a separate state agency had agreed to be the "project monitor" for checking on the Atalissa men.

It would be eight more years before Iowa adopted a law to protect victims of dependent adult abuse. The law was passed in 1982 and implemented in 1983.

The file also has email exchanges between DHS officials in 1997 in which it is concluded that despite concerns, the department did not have jurisdiction to intervene because there was no allegation of abuse of a dependent adult. At that time, DHS officials were also in contact with officials in Texas, where Henry's Turkey Service is incorporated.

The 38-page paper file, discovered about two weeks ago in the DHS Muscatine County office, is not an active file and may not be complete. There are no documents between the 1970s and 1997.

DHS Director Gene Gessow referred to the file in his testimony to legislators last week.

The file was given to the Division of Criminal Investigation, but agents returned it on Friday. The file, redacted to exclude client names and other information that is not public, is being released today.

After receiving a call to the abuse after-hours hotline on Feb. 5, the DHS assembled a large team of social workers to evaluate the 21 men living in the bunkhouse and provide basic services for several days.

Three days later the DHS determined that all were dependent. A judge agreed with that assessment on Feb. 10, permitting the DHS to provide protective services. Later that day all were placed at Exceptional Persons, Inc., in Waterloo. Nineteen of them live there today; two have since been returned to care of relatives in Texas.

Gessow said he respected the opinions expressed in the memos but would not point fingers or second-guess decisions.

"I'm not going to debate whether I would have done something differently 35 years ago," he said.

"What I will do is pledge that from now forward, the Department of Human Services will be aggressively vigilant to protect the rights of dependent adults.

"I have already shown my determination to improve services at our two facilities for people with mental retardation, and I'm pleased to tell you that we are nearly in compliance with very vigorous standards there.

"We must now turn our attention to vulnerable adults in the community," he said.

The 1974 memo from George, a social worker for an agency known then as the Department of Social Services, said any man assigned to Atalissa "loses control of finances, the location where he lives, the type of work he does, and the type of housing in which he must dwell, as well as with whom. If he dislikes any of these arrangements, his only way out is to return to an institution."

The file does not contain Strickland's response to George, but it does include Strickland's seven-page report to Muscatine County officials dated Jan. 23, 1975, which outlined conditions in Atalissa and concluded there should be continued monitoring.

"The living quarters are not tastefully decorated, in good repair or maintained in high standards," he wrote. "But they are warm, adequate, and maintained by the men themselves."

The memo said that a worker who did not "work out" could be returned to a state institution but "this has happened infrequently. More often, the Texas Rehabilitation Commission has reopened services and the man has re-entered a period of training." All of the men were once Texas residents.

The file also contains an undated newspaper article entitled "Turkey employee probe refused." It was written by Jeffrey Kummer, who was a reporter for newspapers in Muscatine and Davenport between the years 1973 to 1977.

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Editors: The entire file, redacted to exclude information that is not public, is on the DHS website news release page.

<http://www.dhs.state.ia.us/Partners/PublicInformation/Newsroom/NewsReleases.html>



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
EUGENE I. GESSOW, DIRECTOR

February 23, 2009

CONTENTS OF DHS FILE ON HENRY'S TURKEY SERVICE

A file was located in the Muscatine County DHS office that contains documents over two time periods. These documents include two memos from 1974/1975, a series of e-mails in 1997, and an undated newspaper article from sometime in the 1970s.

The memos from 1974 and 1975 relate to a review of the operations of Henry's Turkey Service in Atalissa by the Department of Social Services (the predecessor of the current Department of Human Services). The 1974 memo to a district DSS administrator is from a local Department of Social Services worker who raises concerns. The 1975 memo is from the manager to the Muscatine County Board of Supervisors. This provided the final report of a review conducted by staff from the Bureau of Mental Health Resources in Central Office, the Iowa Bureau of Labor, and authorities in Texas. The review was the result of a meeting where it was agreed that the Department of Social Services would submit a report (it is assumed that this memo is the report) and that an employee of the Division of Vocational Rehabilitation would monitor the situation on an ongoing basis and submit quarterly reports. The reports would cover the condition and well-being of the men, the employment of the men, and the financial arrangements.

The e-mails in 1997 relate to internal communications and conversations with authorities in Texas after Iowa DHS employees were contacted by a reporter from Texas. The e-mails reflect ongoing discussions between current and former DHS staff in the local Muscatine DHS Office, the Cedar Rapids Regional Office, and the DHS Central Office concerning whether Iowa DHS had actual allegations of dependent adult abuse; whether the actions of Adult Protective Services in Texas addressed the issues; and whether Iowa DHS has the authority to intervene without a specific allegation. It was finally decided that Iowa DHS could not accept the referral to do evaluations and this was communicated to Texas authorities who agreed with the decision.

The final document in the file is confidential under Iowa Code sections 135C.19, 135C.37 and 22.7(2).



CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

STATE OF IOWA

DEPARTMENT OF HUMAN SERVICES
EUGENE H. GESSOW, DIRECTOR
Denise Gonzales, Service Area Manager

FAX TRANSMITTAL SHEET
Davenport Service Area - Scott County Office

Phone: 563-326-8794 (Service)
FAX: 563-326-8240

563-326-8680 (Income Maintenance)
563-326-4108

DATE: 2-11-09 TIME: 10:05

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: La Vern Armstrong

LOCATION: FASU

WE ARE SENDING 39 PAGES (INCLUDING THIS PAGE).

FROM: Denise Gonzales

TELEPHONE: _____

SPECIAL INSTRUCTIONS:

Confidential

IF YOU DO NOT RECEIVE ALL PAGES OR PAGES ARE ILLEGIBLE, PLEASE
CALL SENDER AS SOON AS POSSIBLE

Hoxmeier, Gary

From: Koll, Sandra
Sent: Friday, April 25, 1997 1:25 PM
To: Sage, Eric
Cc: Hoxmeier, Gary; Ciha, Dan
Subject: Henry's Turkey Farm

Gary suggested that we do a conference call on Monday morn, if everyone is available. This is in regards to the exchange sent earlier today on Henry's. Would you be available?

Hoxmeier, Gary

From: Koll, Sandra
Sent: Friday, April 25, 1997 11:14 AM
To: Hoxmeier, Gary
Cc: Sage, Eric; Ciha, Dan
Subject: Henry's Turkey Farm

This is the information I learned from talking to Tim McGinnis from Texas, the protective services worker who did the investigation in Texas.

The company is known by these names: Hill Country Farms, Johnson Farm, & Henry's Turkey Farm.

The allegations were that the clients were not allowed to report physical injuries and when then did the injuries were not treated.

The living conditions were sub-standard, the food is bad, it smells.
The clients were working 7 days per week and longer than 8 hours.
Not appropriately compensated at 37 cents per hour.

The results of the investigation done in Texas found the following. (This company apparently has the same set-up in Texas as in Iowa.)

The agency is an unlicensed group home. The federal Labor Dept. investigated this agency both in Texas and in Iowa and found that what they are doing is legal. They have some kind of a contract that allows them to only pay 37 cents per hour. However, the labor dept. found that the men, who were in the mild to low-middle functioning level of MR (65-68 IQ), were only working 4 hours per day and only doing 'light farm work'.

There were planned activities for the men, the place was clean, and the food was adequate. Family members of the men mostly praised the program (both Texas and Iowa) and thought it was wonderful.

The physician here in Iowa said that he had been treating the men at Henry's Turkey Farm for past 15 years and saw normal 'working on a farm' related injuries. He said he had never seen anything suspicious or that looked like abuse.

There apparently was a problem with the Texas Medicaid not being transferred to Iowa, and consequently the 'trust funds' (This agency is protective payee for all these men and holds the money for them that they make.) were tapped to pay medical bills. Tim thought that had been straightened out.

Tim is faxing the names and Social Security numbers of the men, the physician's name, the name of the man he spoke to at the Labor Dept. I'll pass it on when it arrives.

He suggests a 'look see' just to be able to support that there isn't anything wrong. And he kept stressing that just because everything was fine in Texas, that didn't mean that it was in Iowa.

FAX M E M O R A N D U M

TO: Gary Hoxmeier
DHS - Muscatine County

FAX DESTINATION: (319)262-8614

FROM: Sandi Koll, Adult Protective Services

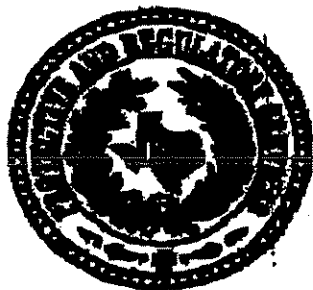
DATE SENT: 4/25/97

Number of pages transmitted (including this cover sheet): 7

If there are problems with this transmission, please call me at (515)281-6219.

COMMENTS:

Iowa Department of Human Services
Division of Adult, Children and Family Services
Hoover State Office Building - 5th Floor
Des Moines, IA 50319-0114



*Texas Department of
Protective & Regulatory
Services - Automation Services*

Fax Cover Sheet

To: Sandy Cole

Fax: (515) 281-7791

Phone: (515) 281-6219

From: Paul Thompson

Adult Protective Services

2500 North Main, MC: 359-1

Belton, Texas 76513

Fax: (817) 939-4298

Phone: (817) 939-4224

There are 6 Pages (Including Cover)

Comments: Information re: Hill Country/Johnson Farms



EXECUTIVE DIRECTOR
James R. Hise

TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES

ADULT PROTECTIVE SERVICES

2500 N. MAIN
BELTON, TEXAS 76513
(817) 939-3361
April 25, 1997

Sandy Cole
DHS-ACFS
Hoover Building, Fifth Floor
Des Moines, Iowa 50319

Dear Ms. Cole:

Enclosed is the information which our Program Administrator, Tim McGinnis, promised you. A copy will be coming in the mail if the fax is not clear.

United States Department of Labor, Wage and Hour Division
Nicole Smith, Investigator (817) 741-2360

Social Security Administration, Office of Investigations
Nancy Grinnell, Investigator (214) 767-3499
Vicki Gregory, Investigator (214) 767-0652

Physician: Dr. Stephen Palmer
Palmer Clinic
West Liberty, Iowa
(319) 627-2131

Residence address for the clients:
517 Lundy Street
Atalissa, Iowa

Also included is a list of the employees of the operation, as of 4/95. Since it is two years old, there are probably several who are not with the farm any more. The ones marked out are currently residing in Texas. If you have further questions, feel free to call me at (817) 939-4224.

Sincerely,
Paul S. Thompson, Adult Protective Services Specialist

BOARD MEMBERS

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Dallas

B 8240 IOWA DEPT. OF HUMAN SVCS
BELTON BLDG. R + 5152817791

ND. 047 023

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Hill Country Farms, Inc.

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IOWA DEPT. OF HUMAN SVCS

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Hoxmeier, Gary

From: Ciha, Dan
Sent: Thursday, April 17, 1997 5:06 PM
To: Hoxmeier, Gary
Subject: FW: Henry's Turkey Farm

Note Sandi's response...

From: Koll, Sandra
Sent: Thursday, April 17, 1997 4:47 PM
To: Ciha, Dan
Subject: RE: Henry's Turkey Farm

Good point, I agree.

From: Ciha, Dan
Sent: Thursday, April 17, 1997 4:37 PM
To: Koll, Sandra
Cc: Sage, Eric; Hoxmeier, Gary
Subject: RE: Henry's Turkey Farm

Saga continues, but before we do any investigating, I think we want some indication that these folks are in fact dependent (even if they were in a facility in Texas, they are not now, appear to be employed gainfully and providing for their needs - in other words we need to use the Iowa definition) and that there is a caretaker who is responsible for them. In other words, I think that we need to look at each situation independently and carefully.

Also, I just talked with Gary and he and the county are concerned that with Texas doing whatever, Henry's Turkey farm may close leaving these 40 "residents" in Muscatine county with Muscatine county holding the bag. Seems to us these folk are Texas responsibility and any further conversation with Texas folk should start and end with this in mind. Thanks.

Hoxmeier, Gary

From: Koll, Sandra
Sent: Thursday, April 17, 1997 2:12 PM
To: Sage, Eric
Cc: Hoxmeier, Gary; Ciha, Dan; Timp, MaryJean
Subject: RE: Henry's Turkey Farm

I just talked to Betty Mitchell. They are about ready to complete the report they are doing. She is going to call me back early next week to tell me the results. She said the specific allegations are lack of medical care and physical abuse. She said supposedly (This is still being checked out.) some of the 40 MR men who at the farm had unhealed fractures and bruises when they were home for Christmas vacation. They were initially concerned that the men were receiving Texas Medicaid but not receiving any medical care in Iowa, when they discovered these other allegations. These men all came from state or county facilities that closed in the 70's, so most would most likely be dependent. I think we need to wait till she has specific names and allegations before we do anything.

Texas is not paying for any other services, just Medicaid, which is not being used when here.

Another concern she expressed is that all of this initially came from a News report person who has a reputation for creating news, so what ever we do we need to be aware that this news person is involved.

From: Sage, Eric
Sent: Thursday, April 17, 1997 1:48 PM
To: Koll, Sandra
Subject: FW: Henry's Turkey Farm

In looking at the information that Gary has shared with the person from Texas, I think I would be going back to him (Gary) before any visitation with the folks from Texas. I don't want us on the record with anybody as to the fact these folks are or are not dependent adults before we know what ground Gary has already covered and what his stand is at this time.

From: Timp, MaryJean
Sent: Wednesday, April 16, 1997 2:47 PM
To: Palmer, Chuck; Cunningham, Sally Titus; Nelson, Mary; Sage, Eric; Koll, Sandra; Krogman, Jim; Nesbit, Jeanne; Ward, Margaret
Subject: Henry's Turkey Farm

Gary Hoxmeier said a woman from the Texas Department of Human Services asked who she should talk to about checking into poor treatment of the MR employees at the Henry's Turkey Farm operation in Iowa. (Gary called me after not being able to reach Jim or Sandi.) We reviewed what we know: The operation isn't a health facility, DHS has no purchase-of-service or other connection to the operation and the local DHS office has always maintained that the turkey farm employees are in an employer/employee relationship (not dependent adults). We concluded there is no DHS or DIA involvement. Gary said he had suggested to the woman that perhaps Div. of Voc. Rehab. in Dept. of Education may have some connection.

Gary speculates the state of Texas may have a purchase-of-service or other arrangement with Henry's that affects the Iowa employees. The caller didn't tell him the state's interest.

Mary Jean Timp
DHS Public Information Officer
Hoover State Office Bldg., 5th Fl., N.W.
(515)-281-4847
mtimp@max.state.ia.us

Hoxmeler, Gary

From: Ciha, Dan
Sent: Wednesday, April 16, 1997 4:45 PM
To: Hoxmeler, Gary
Subject: FW: Henry's Turkey Farm

FYI...

From: Krogman, Jim
Sent: Wednesday, April 16, 1997 4:43 PM
To: Palmer, Chuck; Cunningham, Sally Titus; Nelson, Mary; Saga, Eric; Koll, Sandra; Nesbit, Jeanne; Ward, Margaret; Timp, MaryJean
Cc: Barfels, Jay; Ciha, Dan; Dunn, Audrey; Henderson, Randy; McDaniels, Ben
Subject: RE: Henry's Turkey Farm

Talked to Dan Ciha today. We agreed that while we wanted to cooperate with Texas, we have no authority to do anything. at this point.

If we receive a dependent adult abuse referral, we have a basis to act.

The primary responsibility rests with Texas..... they apparently have about 40 people in Iowa. If requested by Texas, we will need to check our legal basis for acting.

From: Timp, MaryJean
Sent: Wednesday, April 16, 1997 2:47 PM
To: Palmer, Chuck; Cunningham, Sally Titus; Nelson, Mary; Saga, Eric; Koll, Sandra; Krogman, Jim; Nesbit, Jeanne; Ward, Margaret
Subject: Henry's Turkey Farm

Gary Hoxmeler said a woman from the Texas Department of Human Services asked who she should talk to about checking into poor treatment of the MR employees at the Henry's Turkey Farm operation in Iowa. (Gary called me after not being able to reach Jim or Sandi.) We reviewed what we know: The operation isn't a health facility, DHS has no purchase-of-service or other connection to the operation and the local DHS office has always maintained that the turkey farm employees are in an employer/employee relationship (not dependent adults). We concluded there is no DHS or DIA involvement. Gary said he had suggested to the woman that perhaps Div. of Voc. Rehab. in Dept. of Education may have some connection.

Gary speculates the state of Texas may have a purchase-of-service or other arrangement with Henry's that affects the Iowa employees. The caller didn't tell him the state's interest.

Mary Jean Timp
DHS Public Information Officer
Hoover State Office Bldg., 5th Fl., N.W.
(515)-281-4847
mtimp@max.state.ia.us

Hoxmeier, Gary

From: Ciha, Dan
Sent: Wednesday, April 16, 1997 4:33 PM
To: Hoxmeier, Gary
Cc: Barfels, Jay
Subject: Turkey Farm

Just had a conversation with Jim Krogman. He said that he also believes that based on the current information, we have no authority to do anything. If Texas makes a specific complaint of maltreatment, we would need to evaluate it. Or if their dependent adult protective unit calls with specific concerns and requests assistance, we would need to evaluate the concern and possibly take action. Or if Texas officials said they wanted someone to meet them at a plane cause they were going out to the turkey farm, we could do that. Long and short is that barring specific allegations of maltreatment or a specific request for assistance from our protective counter parts...we don't intervene - we do not have the authority.

He wants us to keep him informed, but does not require anything additional at this time. And for the time being, there will not be another phone call.

Hoxmeier, Gary

From: Krogman, Jim
Sent: Friday, April 04, 1997 5:20 PM
To: Barfels, Jay; Hoxmeier, Gary; Ciha, Dan
Cc: Palmer, Chuck; Cunningham, Sally Titus; Nesbit, Jeanne; Timp, MaryJean; Nelson, Mary; Dunn, Audrey
Subject: RE: HENRY'S TURKEY SERVICE (Contact Notation)

Gary, do we know why the reporter was contacting Iowa ? Are there problems ? Is this why they contacted DIA ?

From: Ciha, Dan
Sent: Friday, April 04, 1997 11:03 AM
To: Barfels, Jay; Hoxmeier, Gary
Cc: Palmer, Chuck; Cunningham, Sally Titus; Nesbit, Jeanne; Timp, MaryJean; Krogman, Jim; Nelson, Mary
Subject: RE: HENRY'S TURKEY SERVICE (Contact Notation)

Please note that Gary Hoxmeler did have a contact with a reporter from Texas.

From: Hoxmeier, Gary
Sent: Friday, April 04, 1997 10:57 AM
To: Barfels, Jay
Cc: Ciha, Dan
Subject: HENRY'S TURKEY SERVICE

JUST THOUGHT I WOULD LET YOU KNOW I HAVE BEEN TALKING WITH A REPORTER FROM THE AUSTIN AMERICAN STATESMEN NEWSPAPER IN AUSTIN, TEXAS IN REGARDS TO HENRY'S TURKEY SERVICE. APPARENTLY THERE IS A COMPANY WHO PROVIDES GROUP CARE SERVICES RECEIVING THEIR CLIENTS FROM THE STATE OPERATED MR FACILITIES. AFTER PROVIDING SOME SERVICES IN TRAINING TO THESE CLIENTS THEY PASS THE CLIENTS ON TO HENRY'S TURKEY FARMS TO WORK. THE SAME INDIVIDUALS WHO OWN THE GROUP CARE SERVICES ALSO OWNS THE FARMS. WE HAVE ONE SUCH FARM LOCATED IN MUSCATINE COUNTY. THE NEWSPAPER REPORTER, DENSE GAMINO, (512-445-3675 FAX 512-445-1707) HAS ALREADY TALKED TO A NUMBER OF DIFFERENT PEOPLE. SHE HAS FOUND OUT THAT THERE IS A MEMO SENT FROM JANE STRICKLIN TO THE MUSCATINE COUNTY BOARD OF SUPERVISORS IN JANUARY, 1975. MIKE JOHANNSSEN HAD TALKED TO HER AND AS A RESULT OF THAT CONVERSATION HE FAXED A COPY OF THAT MEMO TO ME. SHE ASKED FOR A COPY OF THAT MEMO AND I PROVIDED IT TO HER. I BELIEVE THAT SHE HAS TALKED WITH INSPECTIONS AND APPEALS, THE MUSCATINE COUNTY SHERIFF'S DEPT.

Hoxmeier, Gary

From: Koli, Sandra
Sent: Tuesday, April 29, 1997 9:28 AM
To: Sage, Eric; Ciha, Dan; Hoxmeier, Gary; Timp, MaryJean
Subject: Turkey Farm

It was decided, after receiving a detailed list of all employees of Henry's Turkey Farm from Texas and a summary of why Texas had UNFOUNDED all allegations in Texas, that DHS could not accept the referral to do evaluations.

I relayed this information on to Texas via speaker phone to the investigator and his supervisor. They had the same problem that we did in needing specific allegations on specific people, which they were able to do, as some of the MR employees and their non-MR relatives were available in Texas to interview. (By the way, the NON-MR relatives were employed at the farm also. The list of employees that was sent also included other NON-MR employees.)

They did not have a problem with us not accepting the referral. They agreed that we could get in trouble going in when by law, we did not have the grounds for accepting the referral.

State of Iowa
DEPARTMENT OF SOCIAL SERVICES
INTEROFFICE MEMORANDUM

January 23, 1975

Office of the
Scott County Department
of Social Services

To: Muscatine Co. Board of Supervisors
From: James D. Strickland
Subject: FINAL REPORT ON HENRY'S TURKEY FARM

The Muscatine Co. Dept. of Social Services referred the Atalissa-based operation of Henry's Turkey Service to Central Office, September 27, 1974. Because of the questions and concerns expressed to this county office, the county office felt obligated to study the situation; due to legal questions, the county office asked for guidance concerning their appropriate role.

Bill Turner, who was in Davenport, on September 27th, asked to confer with the county office since personnel from the Bureau of Mental Retardation were not available and would not be available for several weeks. Subsequently Eva Parsons, Bureau of Mental Health Resources, and John Smith, Supervisor of Services, Davenport Field Office, were involved. Bruce Hoffmaster, Supervisor of Services, Fort Dodge Field Office, studied the Ellsworth-based operation of Henry's Turkey Service and submitted a written report on it.

Numerous telephone conversations were held with Mr. T. H. Johnson, one of the owners of Henry's Turkey Service. Also interviewed by telephone were Dr. William Lowry, Asst. Director of the Mental Retardation Division, Texas Dept. of Mental Health and Mental Retardation Services; and Vernon M. Arnell, Asst. Deputy Commissioner, Texas Rehabilitation Commission. Messrs. Jerry Addy and Robinson Colon, Iowa Bureau of Labor, were interviewed in person, as was Mrs. Elodie Monternach, Iowa Association Retarded Citizens.

Meetings were held as follows: a conference in the county office among Departmental people; a meeting of Departmental people with Mr. T. H. Johnson; a "public meeting" with Mr. Johnson, to inform the community about the project (see roster of attendees); three visits by Mr. Turner to the Atalissa home site and several more by Mr. Smith; one meeting with Mr. Bert Brandt, Iowa Division of Vocational Rehabilitation.

BACKGROUND

Hills County Farms, Inc. is a firm near Goldwaite, Texas, owned by T. H. Johnson and Ken Henry. Its purpose is the social and vocational training of adult retarded males. An ancillary firm, Henry's Turkey Service, owned by the same persons has been established as an employer of these adult retarded males who have completed training at Hills County Farms, Inc., and are ready for gainful employment.

Muscatine Co. Board of Supervisors
January 23, 1975
Page 2

According to T. H. Johnson, the beginnings of his involvement occurred in August 1966, when the Texas Rehabilitation Commission approached him about accepting five retarded adult male clients for training. The partner became involved on his own in a similar way and later combined efforts to establish these businesses.

Dr. Lowry and Mr. Arriel confirm that these firms exist, that they have been operational several years and that the Texas Dept. of Mental Health and Mental Retardation and the Texas Rehabilitation Commission assisted in the development of programs for Hills County Farms, Inc., and they believe this firm has been doing a credible job. Both Dr. Lowry and Mr. Arriel felt they did not have adequate knowledge of the out-of-state operations of Henry's Turkey Service to pass judgement on these operations.

Between these firms, 149 men are involved, some 80 at Hills County Farms and the others in work crews in Texas, Iowa, Illinois, Missouri and North and South Carolina. Mr. Johnson says that about 40 of these men have family ties and that the I.Q.s are mostly in the range of 45-65.

Mr. Arriel said that Texas Rehabilitation has a counselor assigned to the men at Hills County Farms, Mr. Tommy Brock. In the past, program specialists have worked with Mr. Johnson in setting up the programs (see attached letters) at the Farms. He said Texas Rehabilitation has watched this operation closely for three or four years. He believes the training program is above average and has been satisfactory through the years. He believed that the Texas Dept. of Mental Health and Mental Retardation financed a nurse at the Farms until about a year ago.

LEGAL STATUS

Most of the men (85-90%) have been patients in Texas institutions for the mentally retarded and have been placed on furlough to the Hills County Farms. A few come directly from their homes or other community resources.

All of them become clients of the Texas Rehabilitation Commission. When the Commission "assumes support," they are discharged from the state schools (Dr. Lowry says).

Texas Rehabilitation Commission arranges for support money (usually a Social Security benefit) for each of these clients and provides financing for the person's training, according to Mr. Arriel. When the client has completed training and leaves the state on a work crew, his rehabilitation case is closed and no Texas agency carries him as a client (assuming he is over age 18). "He is on his own," according to Mr. Arriel.

Mr. Johnson has reportedly said that the relationship between Henry's Turkey Service and these men is an employer-employee relationship. Dr. Lowry agrees with this statement.

Muscatine Co. Board of Supervisors
January 23, 1975
Page 3

Nonetheless, Mr. Johnson holds that the well-being of these men is the concern of the Henry's Turkey Service and that this firm sees to the medical and other needs of the men, even assuming costs for such if necessary. In the event a man does not work out on the job, he is returned to Hills County Farm. He can be returned to a state institution through the regular admission procedure, according to Dr. Lowry. This has happened infrequently. More often, Texas Rehabilitation Commission has reopened services and the man has re-entered a period of training.

Only once has a man left Henry's Turkey Service. He was found and flown back to Texas, according to Mr. Johnson, and this is the appropriate handling of this kind of situation, he believes.

Contracts do not exist between Henry's Turkey Service or Hills County Farms and anyone, except:

1. Henry's Turkey Service and some of those businesses or industries using this service, including Rich's Poultry Plant, but not Thompson's Hatchery;
2. A letter of agreement exists (according to Mr. Arriel) between Hills County Farms, Inc., and the Texas Rehabilitation Commission.

There is question whether these men are or are not migrant workers and therefore subject to the federal requirements governing migrant labor. Mr. Robinson Colon, Iowa Bureau of Labor, is investigating this question.

FINANCIAL

Each man in the work crews has a work certificate, as required by the Bureau of Labor, for handicapped employees. These have been issued in Texas and are renewed annually. Mr. Johnson showed these certificates to Mr. Turner for the men at Atalissa, and it was noted that the hourly rate varied, man-by-man, from 70¢ to \$1.35 per hour, with few below 83¢ per hour. These certificates, signed by Phillip H. Arriel, Asst. Regional Director, Employment Security Administration, Fort Worth Regional Office, provided for a graduated wage scale, several of them calling for wage increases. It is uncertain whether the Iowa Bureau of Labor will have jurisdiction over these certificates in the future.

The purpose of these certificates is to establish a rate of pay for each person which is consistent with the ratio of his productivity to the average earnings of a person in his line of work. If these certificates are an accurate assessment of productivity and the hourly rates for each employee's type of work have been accurately reported, then the work certificate does function as a mechanism to render "reasonable pay for services rendered."

Muscatine Co. Board of Supervisors
January 23, 1975
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It would be difficult to visualize that a contractor would pay Henry's Turkey Service a higher per unit figure than the regular "line" employee. However, we do not know the specifics of the contracts.

All bookkeeping for the firms is done in Texas. The hours worked by each man is reported to the bookkeeper, who each month issues full pay to the work crew supervisor for each man. The supervisor in turn issues his weekly portion to each man on Saturday afternoon.

Social Security income (70-75% are said to be on the SSI program, others have a different Social Security benefit or other income, some have none) is kept in personal accounts at the Mills County State Bank, in Texas (W. P. Duren, President). By written agreement, this bank signs or co-signs all checks. Before money is drawn from any of these men's accounts. Mills County Farms or Henry's Turkey Service is the representative payee for each man receiving Social Security benefits and a Social Security Administration representative does spot check audits on these accounts.

According to Mr. Johnson, each man receives some pay, regardless of whether he works or the quality of his work; those in Texas get \$30 per month, those out-of-state, \$40. The men receive all wages they have earned for personal spending, with loose supervision of this and a weekly doling-out to protect them from larger fraud and to encourage them in the use of their own funds. They may bank some of this earned money in their accounts if they wish.

Henry's Turkey Service charges each man \$200 per month for room, board and services, according to Mr. Johnson. Medical services are provided for most by Title XIX (Medicaid), for others from their personal funds, and in some few cases, the costs are assumed by the firms.

LIVING ARRANGEMENTS

These men occupy a former schoolhouse on the edge of the small town of Atalissa. The facility is located on a tract of about an acre, where some school playground equipment is up and used by the men. The schoolhouse is used as a dormitory, an outside quonset hut is used as kitchen and dining room and a house trailer is the home for the supervisors (crew chiefs).

The living quarters are not tastefully decorated, in good repair or maintained in high standards of housekeeping. But, they are warm, adequate and maintained by the men themselves. Mr. Johnson uses the term "bunk house" to describe the facility and this is apt. Maintenance of the facility by the men is a very desirable feature, is consistent with the philosophy that people be able to care for themselves and their property as much as possible. But, this also means that beds, floors, etc., are not immaculate or as tidy as might be. Housekeeping standards are acceptable.

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A large dormitory room is used for sleeping quarters, with bunk beds about three feet apart. A classroom is used as a sitting room, with television, and another room has a pool table. Possibly the best feature for recreational purposes is the gymnasium, which is used for basketball, volleyball, group meetings, etc.

Fire safety is beyond our ability to judge. Henry's Turkey Service has installed some fire extinguishers.

Quarters in the school building have been used by staff; however, staff have moved to a house trailer adjoining. Telephone communication is adequate and exists between the schoolhouse and trailer.

THE MEN AND THEIR LIFE PATTERNS

Although our contacts with individual men have been limited, Mr. Turner has talked to three, and Mr. Smith to others, and both have observed interaction between staff and the men. Those we have talked to are apparently happy and satisfied and they seemed to have no particular problems. On one occasion two men were heard to ask if they could return to Atalissa after the Christmas trip to Texas, because they liked being at this site and the jobs they had.

During September through November, the staff on site numbered three to five persons and was three or more members at all times. A new couple was being trained for this week and the plan is for this couple to assume complete responsibility for the crews of men which were expected to be about 19 in number.

The men work as a crew in the poultry plant, are driven to and from it, eat together. The crew chief is their work foreman; he works on the production line, is responsible for teaching the men, keeping them out of trouble, etc., as the need arises.

The men walk to the local grocery store and "go to town" Saturday afternoons (Muscatine, etc.) but always with supervision by a staff member. Mr. Johnson firmly believes that the key to their success lies in the almost constant supervision of the men.

There seems to be good group spirit and morale and it would seem to us that a cohesive group exists here. Integration into community life and services of the community are, however, sparsely used and might benefit through better community acceptance and provide additional social, religious, educational and other opportunities to the men.

The food is said to be of good quality and adequate in servings (Mr. Johnson and two of the men) and we have observed one meal and two others in the cooking and feel they are adequate. Menus are prepared by a Texas dietitian employed by Hills County Farms and much of the foodstuff is purchased.

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MONITORING PROPOSAL

As a result of the "public meeting" October 22nd, it was agreed that there be a project monitor established, to answer questions and assure that the best interests of the men are being met. The Iowa Division of Vocational Rehabilitation was selected for this purpose. Negotiations were consequently conducted between Mr. Bert Brandt of Division of Vocational Rehabilitation, Mr. Johnson, John Smith, and William Turner.

It was agreed that the Department of Social Services would submit a report to Iowa and Texas State Rehabilitation Services, to the County Department of Social Services, Hills County Farm, and the District Administrator of the County Department of Social Services.

It was also agreed among T. H. Johnson, Bert Brandt, John Smith, William Turner, and the crew manager at Atalissa, that Mr. Bert Brandt would monitor on an on-going basis and submit quarterly written reports to the Texas Rehabilitation Commission; Iowa Vocational Rehabilitation Services; the District Administrator; Iowa Department of Social Services; and Hills County Farms, Inc.

This monitoring, it was agreed, would cover the following:

1. The condition and well-being of the men. Mr. Brandt would talk to the men individually to assess this.
2. The employment of the men. Mr. Brandt could talk to the management of Rich Poultry Service and observe the men at work.
3. Financial arrangements. Mr. Brandt could see the account books of the crew manager, which shows hours of work, income from wages, monies dispensed to each of the men and receipts for payments and reimbursements received by the crew managers.

It was further agreed that the monitor would be available for consultation to the crew managers and Henry's Turkey Service would be available to answer the questions and concerns of the citizenry.

J

~~FAX~~

512-438-

4881

phone

#

512-438-

5046

Betty Mitchell

& report



DEPARTMENT OF HUMAN SERVICES
MUSCATINE COUNTY OFFICE

TERRY E. BRANSTAD, GOVERNOR

CHARLES M. PALMER, DIRECTOR
GARY BOOGHEER, AREA ADMINISTRATOR

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State of Iowa
DEPARTMENT OF SOCIAL SERVICES
INTEROFFICE MEMORANDUM

December 4, 1974

Wascatine County
Department of Social Services

To: Mr. James Strickland

From: Mr. Ed George, SW II *EG*

Subject: Henry's Turkey Service, Inc.
Hill Country Farm, Inc.

Mr. William Turner recently became involved in a limited investigation of the above mentioned corporation based in Goldthwaite, Texas. His interest involved the bringing of mentally retarded adults to Iowa. The corporations provide work and housing for these individuals. Mr. Turner seems to have some very positive feelings toward this company's operations. I cannot share his views and am fearful that his report may overlook some important factors that this department must consider.

I am sure that this brief letter will touch on much that is mentioned in his more thorough report. I, too, have many reservations about specific parts of the company's arrangements, and they are listed at the end of this letter. But it is some general over-riding policy considerations which concern me as much as do the specifics.

I am concerned that if the Iowa Department of Social Services does nothing to stop corporations such as Henry's Turkey Service, it will be condoning this type of operation by its apathy. If this happens the Department is, in fact, saying that the principle of normalization, which it has encouraged, does not apply in Iowa. It is saying that the retarded adult does not have a right to a self-directed life and that future generations of mentally retarded in Texas will not have the community based services which they will need.

I. Normalization:

In recent years the Iowa Department of Social Services in conjunction with other agencies serving the mentally retarded has helped foster the development of normalizing experiences for handicapped citizens. We have worked to make our hospital schools, no longer a life long placement, but a temporary training experience. We have greatly reduced our institutionalized population and have encouraged the development of many fine community based programs.

Mr. James Strickland

- 2 -

December 4, 1974

Not since the days of slavery have we had an example of the anti-thesis of normalization as Henry's has provided. Their list of violations of this principle is endless. Their residents are deprived of the following:

1. Family
2. Home Community
3. Professional Service
4. Education
5. Involvement with the Community.
6. Normalized and adequate housing.
7. Selection of food and clothing.
8. Selection of work experience.

II. Self-Directed Life:

Although this was covered in the broad principle of normalization, it is so severely violated and these adults are so high functioning that it deserves special attention.

Once the resident becomes an employee of Henry's Turkey Service, he for all practical purposes, loses most basic human rights. He loses control of finances, the location where he lives, the type of work he does, and the type of housing in which he must dwell, as well as with whom. If he dislikes any of these arrangements his only way out is to return to an institution. By allowing Texas to ship out their handicapped citizens we are not encouraging the communities in which these adults have a right to live, to develop the needed community-based programs. If you can ship them out it is cheaper than programming for them.

III. If Texas can continue to do this, a cycle will develop in which there will be little need for good programs and the next generation will suffer too.

Conclusion:

1. Everything possible must be done, not to run Henry's Turkey Service, Inc. out of Iowa, but we must work to force Texas to provide appropriate program programs in the local communities.

Mr. James Strickland - 3 - December 4, 1974

2. The idea of implementing any program like this in Iowa is obscene. There is absolutely nothing worth saving in their program. True, we must get more handicapped people employed in the community, and work must be done in this area, but not in Henry's exploiting manner.

EG:jm---

"LIST OF CONCERNS YET UNANSWERED"

1. Parents and Family Members

- A. Do they know the type of living conditions in which their sons live, or do they merely see the nice facility in Texas and assume the others are comparable?
- B. Do they understand the financial situation?
- C. Do they realize that this is geared to be a permanent placement or do they see it as training?
- D. Do they have a say in their son's movements from place to place?
- E. Do they pay any expenses for their son?

2. Financial Situation

- A. Is their method of handling the Social Security and SSI legal?
- B. Are their individuals in their program who have progressed to higher levels than their Wage and Hour Certificate indicate?
- C. Are their individuals who are capable of regular employment who are being held back in order for Henry's to reap higher profits?
- D. Do the residents understand their legal rights and where their money goes?

3. Medical and Dental

- A. Who is financially responsible for cost?
- B. Is staff who dispenses medication responsible and adequately trained?

4. Employee

A. Are they fully satisfied?

B. Do they know their legal rights?

5. Housing

A. What requirements are they failing to meet?

"SPECIFIC COMPLAINTS"

1. Education is not available (basic skills or academic).
2. No professional services available.
3. Lack of adequate housing.
4. Too few persons supervising.
5. Untrained persons supervising.
6. No religious freedom.
7. No community involvement.
8. No parental involvement.
9. No privacy.
10. No choice in food or clothing selection.
11. No set up for people to advance into independence.
12. No freedom to quit without threats of being returned to institutions.
13. Lack of recreational activity.
14. No freedom to inter-relate with opposite sex.
15. No say in financial matters.
16. Forced to live in company's house to maintain employment.
17. No choice in where you work or live.
18. No one outside of company with whom you can talk about problems.
19. No accountability for an individual's money spent by the company.
20. No provision for outside client advocate.



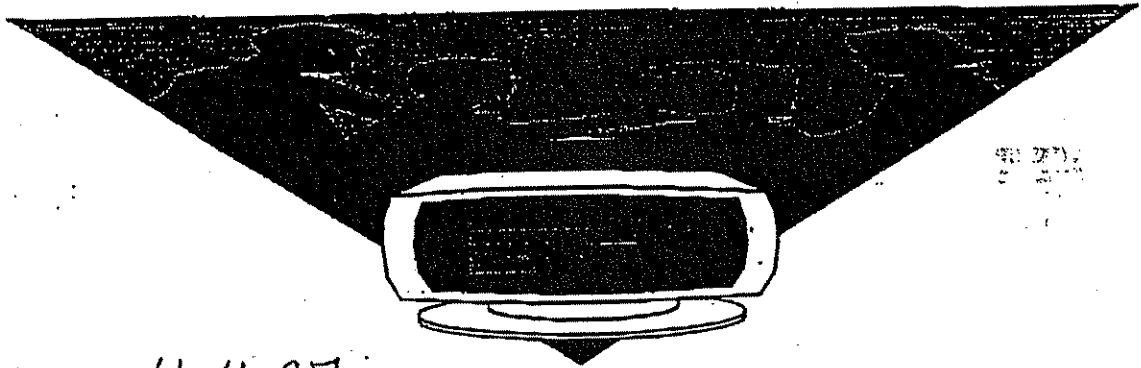
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At Ellsworth

Turkey employe probe refused

By JEFFREY KUMMER
Staff writer

An October request for a state probe into two turkey processing operations in Ellsworth employing mentally retarded workers was refused by state authorities, the Journal has learned.

A Fort Dodge district social services director said in an interview Friday his request for a closer look into reports of exploitation of handicapped workers, employees of Henry's Turkey Service, came after his initial inquiry failed to determine the validity of the reports.

Henry's Turkey Service, a Texas-based operation, is the same firm providing 22 retarded workers at Louis Rich Foods, West Liberty, and the target of a new request for an investigation into similar reports there.

Bruce Hoffmaster, the Fort Dodge district director, said he asked for a further State Department of Social Services study of the Ellsworth plants after he and a team of mental health specialists had checked the working and living conditions there earlier in the month.

Hoffmaster said it was believed after what he called a "limited inquiry," that workers were being adequately housed and supervised.

But Hoffmaster said officials of the Turkey service firm, which provided the

workers to the two Ellsworth companies on a contract basis, were vague and non-committal in responding to questions of worker wages and legal responsibility.

He said he had been told by company spokesmen that the work crew, all Texas residents released from institutions, were receiving wages approved by the Texas Rehabilitation Commission.

No documents were available to substantiate that claim, however, Hoffmaster said.

Other areas of concern included whether the Ellsworth facilities should be licensed by the state and questions regarding if and how Social Security payments were being received.

Company officials had been unable to answer those questions, Hoffmaster said.

Also interviewed during the study were three retarded employees who he said indicated they were satisfied with the living and working arrangements in the operation.

But the workers, he said, had been unable to accurately state how much money they were receiving for their labor or where it was being spent.

Hoffmaster added that he and the group had not been allowed to visit a similar work camp run by the company at Story City.

"We really didn't find anything

actually indicating there was anything wrong with the way these people were being taken care of. Everything we saw was basically adequate for an operation of this type," he said. "But there were just a few important questions we couldn't get answers to that seemed to call for little closer study."

But a further investigation into the situation never came, and Hoffmaster says he doesn't know why, except the State Department of Social Services officials in Des Moines did not respond to the request.

William Turner, the state department director, said today no further investigation resulted because "I'm satisfied that this is a good program providing a service in both the Ellsworth and Muscatine areas."

Turner added he did not believe it proper for his department to inquire the financial arrangements between companies, the service and the retarded workers.

"Sure, they're making a profit on these mentally retarded men, but they are a business and they appear to be doing a good job," he said. "I would call that exploitation."

The living facilities in both Ellsworth and Atalissa, where the men are housed in a school house and bussed to the Rich plant each day are adequate, said.

Hoffmaster said that most of the workers he had come in contact with had no families and if they left the Henry's Turkey Service would probably be sent back to a Texas institution.

The Story City facility's were down early this fall by Story City authorities because of zoning violations by the company.

'Phone persons, too

DES MOINES (AP) — Someone in the Iowa Department of Social Services reached new heights in desexing the English language by writing: "This telephone number was to be personed 24 hours a day..."

It's part of the effort that gives us chairpersons, policepersons, even telephone linepersons.

For male chauvinists, having a telephone personed might be a bit hard to swallow..

Person the battle stations, linguists, It's going to be a long war.



DEPARTMENT OF HUMAN SERVICES
MUSCATINE COUNTY OFFICE

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